

Waste Compliance and Mitigation Program Staff Report
New Solid Waste Facilities Permit for City Fibers West Valley Plant
SWIS No. 19-AR-1235
July 20, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the City Fibers West Valley Plant, SWIS No. 19-AR-1235, located in the City of Los Angeles and owned and operated by City Fibers, Inc./David Jones. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was received on July 15, 2010. Action must be taken on this permit no later than September 13, 2010. If no action is taken by September 13, 2010, the Department will be deemed to have concurred with the issuance of the proposed new permit. **Note: The current temporary SWFP expired on June 30, 2010.**

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2008 Temporary SWFP)	Proposed Permit
Hours of Operation	Not specified in the permit.	Material Acceptance Monday - Saturday 6:00AM – 7:00 PM Material Processing/Refuse Transfer Monday – Saturday - 24 hours per day Sunday 6:00 AM – 12:00 PM
Tons per Operating Day	Not specified in the permit.	Total: 350 tons/day
Vehicles per Operating Day	Not specified in the permit.	Total: 150 vehicles/day
Key Design Parameters	Not specified in the permit.	Permitted Area (Acres): Total 2.04 Design Capacity 400 Tons/Day
12. Legal Description of Facility	Not specified in the permit.	Tract T R 21333, Map M B 592-11/12, Lot 9, Arb 2 Assessor Parcel No. (APN): 2689011016
13. Findings	Not specified in the permit.	a. The facility is identified in the City of Los Angeles Non-Disposal Facility Element on Table 67, approved May 25, 2010. [Public Resources Code (PRC), Section 50001 (a)(2)]. b. This Permit is consistent with standards adopted by the California Department of Resources Recycling and Recovery (CalRecycle). [PRC, Section 44010]. c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA). [PRC, Section 44009].

		<p>d. The local fire protection agency, the Los Angeles City Fire Department, has determined that the facility is in conformance with applicable standards as required in <i>PRC, Section 44151</i>.</p> <p>e. The City of Los Angeles Local Enforcement Agency has determined that the solid waste facility permit is being issued to replace the temporary permit that was issued on July 16, 2008 without any changes to the facility's permit limits or operations. The LEA has determined that pursuant to 14 CCR, Section 15301 that this application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination.</p> <p>f. Based on the Transfer/Processing Report (TPR), dated July 2010, the LEA is satisfied that this facility will provide measures to adequately control noise levels, gas/odor nuisances, traffic congestion, litter nuisances, and vectors such that there will be no significant impact on the local residences.</p>										
14. Prohibitions	Not specified in the permit.	<p>The permittee is prohibited from accepting any liquid waste sludge, non-hazardous wastes requiring special handling, designated waste or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. In the event that hazardous or suspected hazardous wastes are brought into the facility the operator is required to follow procedures for obtaining information, notification, handling and disposal as outlined in Load Check Program of the TPR.</p> <p>The permittee is additionally prohibited from the following items or activities:</p> <ul style="list-style-type: none">- Acceptance of solid waste materials not authorized by the LEA in the Transfer Processing Report- Acceptance of liquid waste, containerized or not,- Acceptance of radioactive wastes- Scavenging or open burning,- Acceptance of sewage sludge, or septic tank pumpings, slurries, untreated medical waste, dead animals										
15. Documents	Not specified in the permit.	<table><tr><td>Document</td><td>Date</td></tr><tr><td>Transfer/Processing Report</td><td>July 2010</td></tr><tr><td>Local & County Ordinances</td><td>Municipal Code</td></tr><tr><td>Identification in Non-Disposal Facility Element</td><td>May 2010</td></tr><tr><td>Finding of Conformance – LA Co SWTF</td><td>N/A</td></tr></table>	Document	Date	Transfer/Processing Report	July 2010	Local & County Ordinances	Municipal Code	Identification in Non-Disposal Facility Element	May 2010	Finding of Conformance – LA Co SWTF	N/A
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Finding of Conformance – LA Co SWTF	N/A											

<p>16. Self Monitoring</p>	<p>Not specified in the permit.</p>	<p>Results of all self-monitoring programs as described in the TPR will be reported as follows: (The monitoring reports are delinquent 30 days after the end of the reporting period)</p> <p>Programs:</p> <p>Reporting frequency: Monthly (Due by the 15th of each month)</p> <p>Agency Reported To: LEA</p> <p>The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, received each day. The operator shall maintain these records on the facility's premises for a minimum of one year and made available to any Enforcement Agencies' personnel on request.</p> <p>Quantity and types of wastes salvaged/recycled per month and the final destination of these diverted materials.</p> <p>The quantities and types of hazardous wastes, untreated medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these materials.</p> <p>All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program.</p> <p>Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. (Notification to the LEA within one day following the complaint is still required.)</p> <p>Final disposal site for transferred wastes.</p> <p>The number and type of vehicles using the facility per day.</p> <p>Reports of all special/unusual occurrences and the operator's actions taken to correct these problems.</p> <p>Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA <u>at once</u> following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility, which have been received by other agencies.</p> <p>Reporting Frequency: 45 Days Before Any Change</p> <p>Agency Reported To: LEA, CoSWMC</p>
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17. LEA Conditions	<p>This permit has been issued by the enforcement agency in accordance with Article 3.1.1, Chapter 5, Division 7, Title 14, of the California Code of Regulations. This permit incorporates by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Division 7, Title 14, of the California Code of Regulations.</p> <p>This facility for which this permit has been issued may only be operated in accordance with the description provided in the attached application package, date May 7, 2008, which is hereby incorporated by reference. This permit shall expire on the effective date of a solid waste facilities permit when it is issued to the operator of the facility or by June 30, 2010, whichever comes first.</p>	<p>Standard Requirements:</p> <p>a. This facility shall comply with all the State Minimum Standards for Solid Waste Handling and Disposal as specified in Title 14 and Title 27, California Code of Regulations (CCR).</p> <p>b. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to <i>Public Resources Code (PRC), Section 21081.6</i>.</p> <p>c. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to the <i>Public Resources Code 21081.6</i>.</p> <p>d. Information concerning the design and operation of this facility shall be furnished in a timely manner, upon request by the LEA.</p> <p>e. The operator shall maintain a copy of this permit and TPR at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel. As approved in the TPR, the operator will maintain detailed plan view and elevation view design plans of the proprietary MRF equipment at the facility and will be available at all times to Enforcement Agencies' personnel.</p> <p>f. The site must be supervised by trained individuals with relevant experience at all times during operating hours and that will be the point of contact for Enforcement Agencies' personnel. Supervisors and managers must have the authority to commit company resources to resolve emergency and non-emergency health, safety and environmental issues, if such action is necessary to protect the health and safety of site employees and the nearby community.</p> <p>g. The LEA reserves the right to suspend, modify, or revoke this permit when deemed necessary due to an emergency, a potential health hazard, the creation of public nuisance, or failure to pay LEA fees.</p> <p>h. The operator shall notify the LEA, in writing, of any proposed significant changes in the routine facility operation or changes in facility design during</p>

	<p>the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 180 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.</p> <p>i. A summary of all pilot projects must be submitted to the LEA, in writing, prior to the implementation of that pilot project. The LEA must approve all pilot projects before they can be implemented.</p> <p>j. The operator shall not expand facility operations above those permitted by this permit and the associated site plan until such time that those buildings, including the any associated environmental mitigation requirements are constructed in accordance with applicable local permits, approvals, and regulations.</p> <p>k. The permitted maximum daily capacity of this facility has been determined to be 350 tons per day of incoming material.</p> <p>l. The operator shall comply with all conditions and requirements as approved in the TPR.</p> <p>m. The operator shall comply with all the requirements of all applicable laws pertaining to employee health and safety.</p> <p>n. The operator shall provide site employees with a lunch room and restroom facilities within a building.</p> <p>o. All unloading, loading and processing of material and wastes shall occur inside the permitted facility property. At no time shall incoming trucks be permitted to unload or clean-out their vehicles outside of the property on the adjacent streets.</p> <p>p. The operator shall restrict the unloading area to as small an area that is practicable, provide adequate control of windblown material, minimize the propagation of flies, rodents or other vectors and the creation of nuisances resulting from solid wastes being handled at the facility.</p> <p>q. All recyclables shall be stored within designated areas in a neat and orderly manner so as not to generate litter, harbor vectors or pose a nuisance.</p> <p>r. All stairways and walkways shall be maintained unobstructed and free of debris. The operator shall provide and maintain a safe means of access and egress to all work stations.</p> <p>s. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of materials received. These records shall be made available to the LEA's personnel and to the</p>
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Findings:

Staff recommends concurrence with the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (CCR 27) Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 15, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA is not required to complete a Five Year Permit Review at this time because the facility has only been operating under a Temporary Solid Waste Facilities Permit since July 16, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on July 15, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 15, 2010 provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated June 17, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division (CEED) found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 23, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on July 15, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	WCMP staff found that the proposed permit is consistent with CEQA and supports the Department's concurrence in the new permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility is required to obtain a SWFP because the volume of residual materials exceeds ten percent of the material coming into the facility. Currently, the facility operates under a temporary permit issued on July 16, 2008, pursuant to AB 1473. The temporary SWFP expired on June 30, 2010. If the LEA finds the facility operating in a manner that requires a permit, they must immediately issue a cease and desist order requiring all activities for which a solid waste facilities permit is required cease until a valid permit is obtained.

The facility was inspected by WCMP staff in CEED on February 23, 2010. No violations were observed. The LEA has not observed any violations of State Minimum Standards during the last two years.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The City Fibers West Valley Plant operated under a Temporary Solid Waste Facilities Permit that expired on June 30, 2010. The proposed Full Solid Waste Facilities Permit presently under consideration is for the operation of an existing recycling facility. The Materials Recovery Facility is located on a 2.04 acre parcel; limited to 350 tons per day of Municipal Solid Waste.

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it.

The City of Los Angeles Local Enforcement Agency proposes to issue a new Full Solid Waste Facilities Permit to replace the temporary permit that it issued on July 16, 2008, without any changes to the facility's permit limits or operations. The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under a Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Furthermore, the LEA has provided a finding that the facility is an existing Transfer/Processing Facility, and the applicant did not propose any significant change in operation from that approved under the temporary permit that the LEA issued in 2008; therefore the facility meets the conditions of CCR 14 Section 15301 as Categorically Exempt - Existing Facilities.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this Full Solid Waste Facilities Permit. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence in this proposed Full Solid Waste Facilities Permit. Staff's finding is based on the fact that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" to issue the temporary permit in 2008.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities (Section 15301), to be filed with the State Clearinghouse after the Department's concurrence in the Full Solid Waste Facilities Permit proposed by the LEA, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from those authorized under the temporary permit that the LEA issued in 2008. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit.

Department staff further recommends the Categorical Exemption is adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed, in both English and Spanish, consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 1173.03). Census information indicates that the surrounding population is approximately 68.8% White, 3.6% African American, 12.9% Asian, 0.3% American Indian and Alaska Native, 0.2 Native Hawaiian and Other Pacific Islander, 9.8% some other race, and 4.4% two or more races. 27.6% of the total population describe themselves as Hispanic or Latino. 7.0% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA held a public informational meeting on June 3, 2010, at the Airtel Plaza & Conference Center - Earhart Room, located at 7277 Valjean Avenue, in Van Nuys. A representative from Council District 12 spoke in support of the project; No members of the public were in attendance. The LEA responded to all questions and concerns.

The Department staff will provide an opportunity for public comment during the WCMP workshop on August 9, 2010.

Department Staff Actions:

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings where the project was discussed.